



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3781**
Eiichi ISHII et al. : **Attorney Docket No. 2003_1290**
Serial No. 10/659,327 : **Group Art Unit 1742**
Filed September 11, 2003 : **Examiner Harry Wilkins, III**
METHOD OF SURFACE
TREATMENT OF TITANIUM METAL : **Mail Stop: RCE**

PATENT OFFICE FEE TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Attached hereto is a check in the amount of \$1,120.00 to cover Patent Office fees relating to filing the following attached papers:

Request for Continued Examination (RCE) \$790.00
Petition for Extension of Time \$330.00

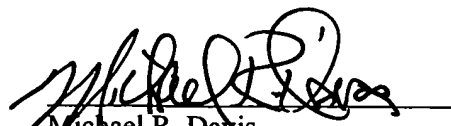
A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Eiichi ISHII et al.

By:


Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
February 12, 2007

[Check No. 78857]

2003_1290



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3781**
Eiichi ISHII et al. : Attorney Docket No. 2003_1290
Serial No. 10/659,327 : Group Art Unit 1742
Filed September 11, 2003 : Examiner Harry Wilkins, III
METHOD OF SURFACE : **Mail Stop RCE**
TREATMENT OF TITANIUM METAL

REPLY TO ADVISORY ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

In the Advisory Action mailed January 26, 2007, the Examiner has refused to enter the amendments filed January 10, 2007 (Amendment After Final Rejection) and January 12, 2007 (Supplemental Amendment After Final Rejection), on the grounds that they raise new issues that would require further consideration and/or search of the prior art and raise the issue of new matter. Referring to the Continuation sheet attached to the Advisory Action, the Examiner takes the position that the limitation that the H/C ratio was based on weight and not moles was not present within the finally rejected claims and possibly constitutes new matter since the specification as filed uses the word "molar" to describe the ratio.

It is Applicants' understanding that filing of the instant RCE will be effective to obtain entry of the amendments filed January 10, 2007 and January 12, 2007.

With regard to the Examiner's position that reciting "weight ratio" in the claims possibly constitutes new matter, please note that on page 5 of the Amendment filed July 24, 2006, Applicants explained how the H/C ratio of "6.3" in Table 2, column 1 (Example 1) on page 16 of the specification is calculated. From the equations on page 5, it is apparent that the numerical

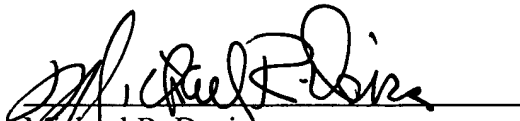
value "6.3" is the "weight ratio" of H atoms to C atoms, as opposed to the "number ratio" of H atoms to C atoms. These equations are very basic and uncomplicated for a person of ordinary skill in the art. Thus, although these equations are not specifically shown in the original disclosure, a person of ordinary skill in the art could easily arrive at the numerical value "6.3" in Table 2 using the equations shown on page 5 of the Amendment based on the gas flow rate of C₃H₈ (which is 20 cc/min) and the gas flow rate of H₂ (which is 100 cc/min), as well as the weights of a carbon atom and a hydrogen atom.

In view of these considerations, Applicants respectfully submit that introducing "weight ratio" into the claims does not raise new matter.

Respectfully submitted,

Eiichi ISHII et al.

By:


Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 12, 2007